



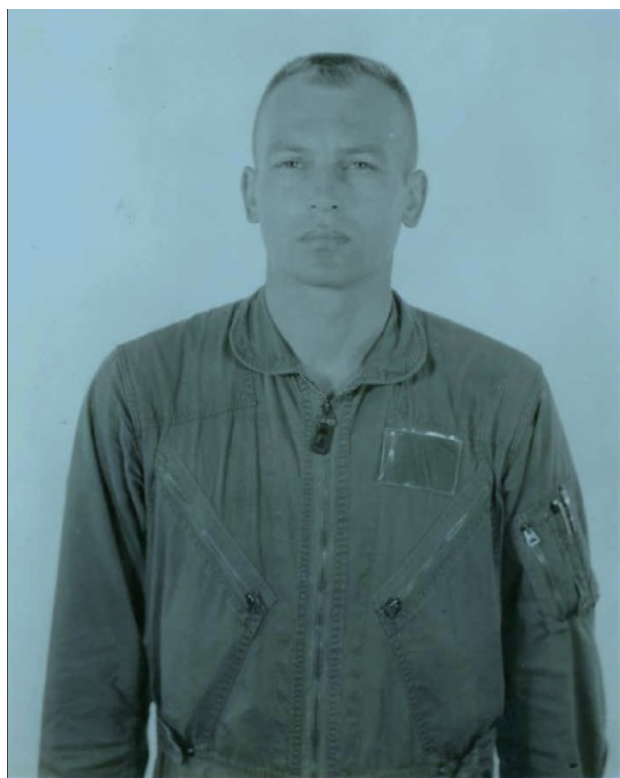
# NEWSLETTER

**SOUTH DAKOTA DEPARTMENT OF VETERANS AFFAIRS**

**SOUTH DAKOTA DEPARTMENT OF THE MILITARY**



## A GIFT THAT WILL LAST FOR DECADES



Perhaps Mark Twain said it best when he said "Always do right. This will surprise some people and astonish the rest."

Astonish us is exactly what Arlyn Reinert, an Air Force Veteran from the great state of Texas, did when he gifted \$1.2 Million to the Michael J. Fitzmaurice State Veterans Home.

Soldier's have a creed, and that creed, in part, makes four simple, declaratory statements: I will always place the mission first; I will never accept defeat; I will never quit; and I will never leave a fallen comrade. To some, these may be just words, but to soldiers like Arlyn, they were a creed he lived by, even has he prepared his will.

"Although we have not found any connection between Arlyn and MJFSVH, we are honored to accept his wonderful gift and will honor his wishes as outlined in his will, 'to enrich the lives of the men and women at MJFSVH,'" said Brad Richardson, superintendent of MJFSVH. "We want to continue to engage the mind, body and spirit of our heroes.

Richardson and his team will create a memorial display honoring Arlyn and his service, as well as his gift to South Dakota.

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# VIETNAM AND ERA VETERANS REUNION

Vietnam Veterans of America, Chapters 463 and 1039, will be hosting a Vietnam and Era Veterans Reunion in Deadwood April 26-29, 2019.

Itinerary for the three-day event is as follows:

## Friday—April 26

7:00 pm Public Agent Orange Forum at Deadwood VFW (10 Pine St.)

## Saturday—April 27

10:00 am Vietnam Memorial Dedication at Black Hills National Cemetery (20901 Pleasant Valley Drive—Sturgis)

11:30 am Lunch at Deadwood VFW (10 Pine St.)

12:30 pm Public Agent Orange Forum at Deadwood VFW (10 Pine St.)

3:00 pm VVA State Council Meeting at Deadwood Gulch

6:00 pm Social at Deadwood Gulch Creekside Banquet Room

6:30 pm Banquet

7:30 pm Fundraiser Auction

8:30 pm Live Music

## Sunday—April 28

10:00 am Memorial Service – Deadwood Gulch Creekside Banquet Room

For more information on the reunion, please contact Martin Anderson (605.645.0055) or Jack Dean (605.393.0444).

# USS SD COMMISSIONING CEREMONY

U.S. Sen. Mike Rounds (R-S.D.) will give the keynote address at the commissioning ceremony for USS South Dakota in Groton, CT, on Saturday, Feb. 2, 2019, at 11:00 am (ET). USS South Dakota is a next-generation, Virginia-class nuclear submarine designed to fulfill 21st century mission requirements.

The commissioning ceremony, including Rounds' keynote address, will be livestreamed at: <http://navylive.dodlive.mil/> beginning at 11:00 a.m. ET/10:00 a.m. CT/9:00 a.m. MT on Saturday, Feb. 2.



# FIRST CONGREGATIONAL CHURCH DONATES TO MJFSVH ENDOWMENT FUND



Members of the First Congregational Church in Pierre presented Secretary Whitlock with a \$750 donation for the Michael J. Fitzmaurice State Veterans Home Endowment Fund.

These funds were raised from their annual pheasant feed, an event hosted annually at their church. Their donation was given in honor of George Summerside who used to work for the Department of Veterans Affairs.

# UPCOMING ARTS PROGRAM AT THE STATE VETERANS HOME

Residents at the Michael J. Fitzmaurice State Veterans Home will be afforded a great art opportunity as Starr Chief Eagle, Lakota Culture Interpreter & Hoop Dance Extraordinaire, shares her expertise with them. Starr Chief Eagle will provide a complete ethnic dive into Lakota Culture that will explore the language, art, and stories of the Lakota people in a fun, educational way. Her program will be conducted Feb. 20, 22, 25, 27, and Mar. 1.

Starr Chief Eagle is an enrolled member of the Sicangu (Rosebud) Lakota Sioux Tribe. She was born with the Lakota name Wichahpi Tokahe (First Star) and was later given the Lakota name Wichahpi Ohitika Winyan (Brave Star Woman) as she entered into adulthood. She grew up in the Black Hills of South Dakota including Rapid City and the Pine Ridge Indian Reservation and started hoop dancing before she could walk. Since then she has been practicing every year to perfect her techniques and skills. Starr was raised up in hoop dancing by her father Dallas Chief Eagle and continues to carry on his teachings with a combination of her own.

# VA ANNOUNCES ACCESS STANDARDS FOR HEALTHCARE

The United States Department of Veterans Affairs (VA) announced its proposed access standards for community care and urgent care provisions that will take effect in June and guide when veterans can seek care to meet their needs under the MISSION Act – be it with VA or with community providers.

Under the MISSION Act, signed by President Trump in June 2018, there are six different eligibility criteria for community care:

- services unavailable
- residence in a state without a full-service VA medical facility
- 40-mile legacy/grandfathered from the Choice program
- Access standards
- best medical interest
- needing care from a VA medical service line that the VA determines is not providing care that complies with the VA's standards for quality

The VA is proposing new access standards, effective when the final regulations publish (expected in June 2019), to ensure veterans have greater choice in receiving care.

Eligibility criteria and final standards as follows were based on the VA's analysis of all of the best practices both in government and in the private sector and tailored to the needs of our veteran patients:

- access standards will be based on average drive time and appointment wait times.
- for primary care, mental health, and non-institutional extended care services, the VA is proposing a 30-minute average drive time standard.
- for specialty care, the VA is proposing a 60-minute average drive time standard.
- the VA is proposing appointment wait-time standards of 20 days for primary care, mental health care, and non-institutional extended care services, and 28 days for specialty care from the date of request with certain exceptions.

Eligible veterans who cannot access care within those standards would be able to choose between eligible community providers and care at a VA medical facility.

Eligible veterans will have access to urgent (walk-in) care that gives them the choice to receive certain services when and where they need it. To access this new benefit, veterans will select a provider in the VA's community care network and may be charged a copayment.

VA Secretary Robert Wilkie said, "Our medical services must meet our veterans' needs and reinforce the trust that forms the basis for every interaction with the VA. Our new access standards are a vital part of this effort."

The VA encourages the public to comment on the proposed access standards and urgent care benefit during the public comment period once these proposed regulations (RIN 2900-AQ46 and RIN 2900-AQ47, respectively) are published in the Federal Register.

# VABHHCS CREATIVE ARTS COMPETITION

The VA Black Hills Health Care System (VABHHCS) is seeking entries for their annual creative arts competition. This is an exciting opportunity for veterans to demonstrate their skills in visual arts, creative writing, and performing arts.

Veterans enrolled at VABHHCS or a resident in a State Veteran's Home are eligible to compete. The art must have been created after April 1, 2018, with an exception for Military Combat Experience entries. All submissions must be received by the February 15<sup>th</sup> deadline to compete in the Fort Meade show or by February 28<sup>th</sup> to compete in the Hot Springs show.

The public is invited to view the entries at two shows on March 6, 2019, in Building 145, Classroom 108 from 1:00 pm to 4:00 pm (MT) at the Fort Meade VA and on March 13, 2019, in the Domiciliary Auditorium from 1:00 pm to 4:00 pm (MT) at the Hot Springs VA.

The competition includes 51 categories in the visual arts division that range from oil painting to leatherwork to paint-by-number kits. In addition, there are 100 categories in the performing arts division including all aspects of music, dance, drama, and creative writing. A panel of local artists will judge entries based on creativity, skill, originality, and overall presentation. Selected winners at the local level are invited to compete at the National Veterans Creative Arts Festival.

The purpose of the National Veterans Creative Arts competition is to recognize Veterans for their creative and artistic ability and to demonstrate the therapeutic benefits of the arts.

## SDDVA'S TEAM JOINS SDPB TO UPDATE VETERANS

This week SDDVA's Secretary Whitlock and Deputy Secretary Pollard participated in South Dakota Public Broadcasts "In the Moment" program and updated veterans on legislative issues, the state veterans cemetery and the great gift recently received at the State Veterans home. You can listen to the program live at: <http://listen.sdpb.org/post/major-donation-takes-veterans-home-surprise>

SDDVA's Erin Bultje served as a panelist on SDPB's "Making a Living" program this week. The program focused on business start ups and job opportunities for veterans. You can watch the program live at: <https://watch.sdpb.org/video/military-veterans-start-up-opportunities-job-programs-7z70zy/>.





# MOPH DEPARTMENT CONVENTION

The Department Convention for the Military Order of the Purple Heart Department of the Dakotas will be held Saturday, April 6. The meeting will be held at the Disabled American Veterans Home (101 E Madison Street) in Rapid City.

The program will begin with a "Meet and Greet" at 10:00 am (MT). The business meeting is scheduled to start at 1:00 pm with social hour at 5:00 pm and banquet at 6:00 pm. The awards presentation will begin at 7:00 pm.

A block of rooms have been reserved at the Howard Johnson by Windham (950 North St, Rapid City) - (605) 646-0734.



## PHILLIPSON JOINS SDDVA TEAM



Teresa Phillipson has joined the SDDVA team and will serve as the deputy superintendent at the Michael J. Fitzmaurice State Veterans Home.

Phillipson was born into a military family in Pendleton, OR, and grew up on many Army bases throughout the United States and Germany. Teresa has a Bachelors Degree in international relations with a concentration in economics and accounting from Knox College in Galesburg, IL. She has a Masters of Business Administration Degree with a concentration in healthcare administration from Ohio University.

Previously, Teresa worked as an administrator for the Cancer Center in Galesburg, IL and was part of the team that redesigned, expanded, and incorporated state of the art equipment in this facility.

Teresa has one daughter. In her spare time Teresa enjoys interior design, gardening, and community theatre.

Please join us in welcoming Teresa to the team. Her email address at the Home is: [teresa.phillipson@state.sd.us](mailto:teresa.phillipson@state.sd.us) and her phone number is 605.745.5127 ext 1500220.

# MESSAGE FROM SECRETARY WHITLOCK

The VA's Appeals Modernization Act will go live February 19, 2019. What does that mean for our veterans and their appeals?

If a veteran has a pending appeal, they will be able to continue on with the legacy appeals process. The VA will continue to work all legacy appeals until they have all been completed.

After February 19, 2019, the veteran's only option is to opt-in for the same three lanes that were available under the Rapid Appeals Modernization Program (RAMP).



## **Option 1: Higher-Level Review**

Claim is reviewed by a more senior claims adjudicator and involves:

- higher-level de novo review (new look) of the decision
- no submission of new evidence allowed
- possibility of overturning the decision based on difference of opinion or clear and unmistakable error

Veterans or their representative can request an informal phone call to identify specific issues.

## **Option 2: A Supplemental Claim Lane**

Veteran can submit or identify new and relevant evidence to support the claim. The VA will provide assistance in developing the evidence.

## **Option 3: Appeal Lane for Appeals to the Board**

This option allows veterans to appeal directly to the Board of Veterans' Appeals. Veterans can choose between three options:

- direct review - you have no new evidence and do not want a hearing.
- evidence submission - you have new evidence, but do not want a hearing.
- hearing - you have new evidence and want to testify before a Veterans Law Judge.

Erin Bultje serves as the South Dakota Department of Veterans Affairs Appeals Specialist and works closely with veterans and their appeals. We encourage all veterans who are currently working on an appeal to reach out to Erin for assistance. Erin can be reached at 605.333.6869.

Greg Whitlock, Secretary  
South Dakota Department of Veterans Affairs

# FEDERAL CIRCUIT RULES IN FAVOR OF BLUE WATER CLAIMANT IN EXPOSURE CASE

On January 29, 2019, the Federal Circuit, in a decision *Procopio v. Wilkie*, (<https://www.va.gov/shiplist-agent-orange.pdf>) overturned their previous decision in *Haas v. Peake*, restoring presumptive service connected compensation for herbicide related conditions to Blue Water Navy Veterans who served within the territorial seas of the Republic of Vietnam during the Vietnam War.

This means that any veteran who can show they served within the 12 nautical miles of the landmass of Vietnam during the presumptive period (January 9, 1962 through May 7, 1975), is once again eligible for presumptive service connection for any of the herbicide-related diseases listed in 38 CFR 3.309(e).

The court reasoned that Congress intended in the Agent Orange Act of 1991 to include veterans who served in the territorial seas in the definition of “service in the Republic of Vietnam”, so the *Nehmer* effective date rules should also apply to these veterans. The court stated that their colleagues on the court in 2007 failed to consider all the applicable law and had made the wrong decision over a decade ago in *Haas*.

If this ruling stands, Blue Water Navy Vietnam Veterans will be entitled to receive the same presumptive compensation benefits, DIC, health care and ancillary benefits just as “boots on the ground” Vietnam Veterans.

However, the VA *may choose to appeal to the Supreme Court*. In that case, all such cases should be “stayed” at the VA, meaning *they will not be worked on or decided until the Supreme Court declines to review or makes a decision*.

We will keep you informed if the VA announces it will appeal this ruling or not. If the VA does not appeal the ruling, we should see additions to the M21-1 and/or proposed regulations to define how the VA will be adjudicating claims and appeals for Blue Water Navy veterans.

What this means for our veterans—this case adds presumptive service connection for Blue Water Navy veterans. Unless and until other action is taken by the VA to appeal, or Congress to change the law, this is the law of the land.

- Please take action to **CONTINUE all appeals** that are currently pending for Blue Water Navy veterans, whether they are in RAMP or the Legacy appeals process.
- Please **FILE or REOPEN claims** for herbicide related diseases for Blue Water Navy veterans.

(continued on next page)





# BLUE WATERS (CONTINUED)

Some practical considerations:

You may need proof that veteran served within the territorial seas (12 nautical miles) of Vietnam. VA's [Agent Orange Ships List](https://www.va.gov/shiplist-agent-orange.pdf) (<https://www.va.gov/shiplist-agent-orange.pdf>) includes many ships that docked in Vietnam. Veterans who went ashore were previously covered by the presumption, but now any veteran aboard those ships is eligible.

- Veterans whose ships docked in Vietnamese harbors such as Da Nang, Qui Nhon, Ganh Rai, Nha Trang, Vung Tau, and An Thoi, will be covered.
- Veterans whose ships were involved in combat operations providing gunfire support and coastal interdiction will most likely be covered as they were close to shore.
- Veterans who can prove their ship was in the territorial seas, by using ship logs, will be covered.

What about the bills pending in Congress? The court case does not include any expansions of the law for veterans who served in Thailand, the Korean DMZ, or locations more than 12 miles offshore of the land-mass of Vietnam.

The currently pending bill in Congress, "Blue Water Navy Vietnam Veterans Act of 2019", [H.R. 299](https://www.congress.gov/bill/116th-congress/house-bill/299/text) , (<https://www.congress.gov/bill/116th-congress/house-bill/299/text> ) is more expansive, and includes presumptive service connection for additional Korean DMZ veterans during the Vietnam War, and includes spina bifida benefits for children of veterans with Thailand service during the Vietnam War. It also requires VA to provide updated research on Gulf War related illnesses. This bill still needs support to assist those veterans.

## H.R.299 - Blue Water Navy Vietnam Veterans Act of 2019

116th Congress (2019-2020) | [Get alerts](#)

**BILL**

Hide Overview ✕

**Sponsor:** [Rep. Takano, Mark \[D-CA-41\]](#) (Introduced 01/08/2019)

**Committees:** House - Veterans' Affairs

**Latest Action:** House - 01/08/2019 Referred to the House Committee on Veterans' Affairs. ([All Actions](#))

**Tracker:**

Introduced

Passed House

Passed Senate

To President

Became Law

# UPCOMING EVENTS

Feb 2—USS South Dakota Commissioning—Groton, CT  
Feb 6—American Legion Legislative Reception—Post 8—Pierre—5:00 to 8:00 pm (CT)  
Feb 6—SFVAHCS Creative Arts Competition—2nd Floor of the Primary Care Facility—10:00 am—2:00 pm (CT)  
Feb 8-10—American Legion Mid Winter Conference—Holiday Inn—Spearfish  
Feb 12—VABHHCS Whole Health Program—Ft Meade Building 145—Room 239—1:00 pm—3:00 pm (MT)  
Feb 18—State Offices Closed—President's Day  
Feb 21—Drop In Legal Services—American Legion Post 17 (1412 9th Ave SW—Watertown (9:00 am—3:00 pm (CT)  
Feb 22—Drop in Legal Services—DAV (1519 W. 51st Street)—Sioux Falls (9:00 am—3:00 pm) (CT)  
Feb 26—VABHHCS Whole Health Program—Hot Springs Building 12—Room A002—10:00 am—12:00 pm (MT)  
Mar 3-7—VFW Legislative Conference—Washington, DC  
Mar 6—VABHHCS Art Show—Building 145—Classroom 108—Ft. Meade—1:00 to 4:00 pm (MT)  
Mar 8—VABHHCS VSO Congressional Forum—VFW Post 1273 (420 Main Street—Rapid City—10:00 am (MT)  
Mar 12—VABHHCS Whole Health Program—Ft Meade—Building 145—Room 239—1:00 pm—3:00 pm (MT)  
Mar 13—VABHHCS Art Show—Hot Springs Domiciliary Auditorium—1:00 to 4:00 pm (MT)  
Mar 26—VABHHCS Whole Health Program—Hot Springs Building 12—Room A002—10:00 am—12:00 pm (MT)  
May 7—SDDVA Mini Conference—TREA (1981 Centre Street)—Rapid City—10:00 am—3:00 pm (MT)  
May 8—SDDVA Mini Conference—Post 8 American Legion (520 S. Pierre Street)—Pierre—10:00 am—3:00 pm (CT)  
May 9—SDDVA Mini Conference—VFW (3601 S. Minnesota Avenue)—Sioux Falls—10:00 am—3:00 pm (CT)  
May 14—Bill Casper's Annual WW II Luncheon—TREA—Rapid City  
May 17—Veterans Honor Concert—State Veterans Home—Hot Springs—2:00 pm (MT)  
May 17-19—DAV Convention—Hilton Garden Inn (5300 S. Grand Circle) —Sioux Falls  
May 27—MJFSVH Memorial Day Car Show—Hot Springs—2:00 pm (MT)  
July 20-24—National VFW Convention—Orlando, FL  
Aug 26-29—SDDVA Benefit School



Audry Ricketts, Public Information Officer

South Dakota Department of the Military <http://military.sd.gov>

South Dakota Department of Veterans Affairs <http://vetaffairs.sd.gov>

Soldiers and Sailors Building - 425 E Capitol Avenue

Pierre, SD 57501

Phone: 605-773-8242

E-mail address: [audry.ricketts@state.sd.us](mailto:audry.ricketts@state.sd.us)

